IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 11791 of 2004

Between:

1 M. Kurumurthy S/o Venkataiah
R/o Ambedkar Nagar, Filmnagar, Hyderabad
2 S. Laxmaiah S/o Late Balaswamy
R/o Near Community Hall, Showkathnagar Road No.2 Banjara Hills, Hyderabad
3 M. Kamalamma W/o Hanumantha Rao
C/o Hanumantha Rao, Vice President Mala Mahanadu, 8-2-272/31, road

No.2 Banjara Hills, Hyderabad
4 Balamma W/o Chennaiah
R/o 8-2-231/A/21/C Srikrishna Nagar, Hyderabad

... PETITIONERS

AND

1 Government of Andhra Pradesh rep by Principal Secretary, Revenue Dept Secrtariat Bldgs., Hyderabad
2 Government of Andhra Pradesh rep by Principal Secretary, Home Department Secrtariat Bldgs., Hyderabad
3 The District Collector, Hyderabad District Hyderabad
4 The Joint Collector, Hyderabad District Hyderabad
5 The Revenue Divisional Officer, Secunderabad Division Minister Road,

Secunderabad
6 The Mandal Revenue Officer Khairatabad Mandal, Hyderabad
7 The Circle Inspector of Police SR Nagar Police Station, S.R. Nagar, Hyderabad

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus, directing the Respondents to put the petitioners into possession of their respective extents of lands situate in Survey No. 127 of Madhuranagar Colony, Yousufguda Village, Khairatabad Mandal, Hyderabad District by taking necessary action against the concerned unauthorised occupants, violators of assignment, declaring the inaction on the part of the Respondents as illegal and ultra vires tot he provisions of Articles 14 and 21 of the Constitution of India besides being violative of the mandatory provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 and consequently directing the Respondents to award suitable compensation under Public Law Remedy.

Counsel for the Petitioner: DAMARAJU VENKATA MUDHUSUDHAN RAO

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

Petitioners who claim to have been granted D-Form Pattas assigning the lands in S.No.127 of Madhuranagar Colony, Khairatabad Mandal, Hyderabad, in their favour, filed the present writ petition inspired by the observation made by a Division Bench of this Court presided over by the Hon'ble the Chief Justice, who, dismissed the writ petition filed in the form of Public Interest Litigation, contending that respondents are not taking any action to evict the unauthorized occupants who have encroached into the land in which assignment was made to the petitioners under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act') and to award compensation to the petitioners for the inaction of the respondents in taking appropriate steps under Act 9 of 77.

2. Learned counsel for the petitioners is not able to substantiate how the respondents can initiate proceedings under the provisions of the Act for eviction of the unauthorized occupants, if any. Learned counsel for the petitioners fairly admitted that petitioners

had not alienated the properties in favour of the persons who are in occupation, who have encroached into the lands belonging to the petitioners and constructed houses thereon.

3. Act 9 of 77 only comes into operation when any transfer is made which is prohibited under Section 3 of the Act. In absence of any transfer, as such, made in contravention of the said Act, the submission made by the learned counsel for petitioners that respondents are under obligation to evict the said persons by invoking the provisions of the Act is devoid of substance and cannot be accepted.

The writ petition is devoid of merit and it is accordingly dismissed. No costs.

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A. **GOPAL REDDY, J**

November 1, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY//

SECTION OFFICER

To:

1 Principal Secretary, Revenue Dept, Government of Andhra Pradesh, Secretariat

Buildings, Hyderabad

2 Principal Secretary, Home Department, Government of Andhra Pradesh, Secretariat Buildings, Hyderabad

3 The District Collector, Hyderabad District Hyderabad

4 The Joint Collector, Hyderabad District Hyderabad

5 The Revenue Divisional Officer, Secunderabad Division Minister Road,

Secunderabad.

6 The Mandal Revenue Officer Khairatabad Mandal, Hyderabad

7 The Circle Inspector of Police SR Nagar Police Station, S.R. Nagar, Hyderabad

8 Two C.C.s to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT.

9 Two C.D. Copies.